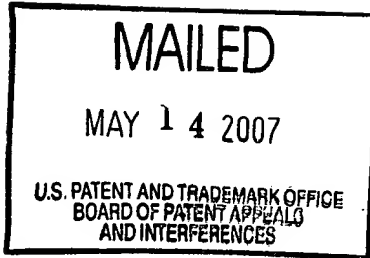


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT D. HAYES,  
EDWARD KOBEDA, JOHN S. MARESCA  
and  
MICHAEL J. WHITNEY

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Application 09/711,777

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on April 4, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

A review of the Image File Wrapper (IFW) indicates that an Examiner's Answer was mailed on January 4, 2006. Section 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8<sup>th</sup> Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

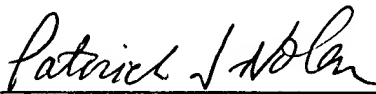
The Examiner's Answer mailed January 4, 2006 is deficient because the "Evidence Relied Upon" section is missing. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a PTOL-90 which includes the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN:psb

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